IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY NINTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

–

WRIT PETITION NO : 5622 of 2004

Between:

1. M.V.Ramanayya, S/o.Venkata Narasimha Murthy,
Aged about 58 years, Hindu,
R/o.10-1-125/A, Venugopalaswamy Temple Street,
Pithapuram.
2. V.Ch.Prakasa Rao, S/o. Venkat Rao,

Aged about 57 years, Hindu, Clerk
R/o.Vongalavari Street, Pithapuram.
3. A.V.Srinivas, S/o. Venkata Ramana,

Aged about 30 years, Hindu,
R/o.8-1-128, Stuvartpeta, Pithapuram.
4. Ch.Manikyala Rao, S/o.Adinarayana,
Aged 38 years, Hindu,
R/o. Driver's Colony, Pithapuram.

..... PETITIONERS

AND

1. The Pithapuram Co-op. Urban Bank Limited, Rep. by

Official Liquidator, Pithapuram.
2. Divisional Cooperative Officer, Kakinada.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased

to issue any appropriate writ, order or direction more in the nature of a writ of "MANDAMUS" declaring the action of Respondents for non-payment of Petitioners' terminal benefits is arbitrary and illegal and consequently direct the Respondents herein to pay petitioners the terminal benefits to which Petitioners are entitled to as per service, rules and regulations of the 1st Respondent Bank.

Counsel for the Petitioners: SMT.M.BHASKARA LAKSHMI

Counsel for the Respondents: GP FOR COOPERATION

The Court made the following:

ORDER:

The petitioners herein, who were employees of the first respondent-Bank, filed this writ petition, *inter alia,* seeking for a Mandamus as against the inaction on the part of the respondents in extending the terminal benefits including the gratuity, encashment of leave etc.

The case of the petitioners is that as per the proceedings of the second respondent dated 30-09-2003, their services were terminated and in respect of the same their terminal benefits have not been paid. In this connection, the petitioners have filed representation dated 20-02-2004, before both the respondents herein and the same still remains unconsidered. Hence, the writ petition.

Having heard the learned counsel appearing for the petitioners and on also perusal of the material on record, it is seen that since the application filed by the petitioners is still pending consideration before the respondents, it is not necessary to go into the merits of the case for considering the same.

The writ petition is accordingly disposed of directing the respondents to consider the representation of the petitioners dated 20-02-2004 on merits and dispose of the same, in accordance with law, after giving notice and opportunity to them. No costs.

29-12-2004.

Lrkm.

To

1. The Official Liquidator,
The Pithapuram Co-op. Urban

Bank Limited, Pithapuram.
2. The Divisional Cooperative Officer, Kakinada.

3. 2CCs to the Government Pleader for Co-Operation High Court

Buildings, High Court of A.P., Hyderabad. (OUT)

4. 2CD copies.